

**SAO**

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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

ANGELA GONZALES, an individual,

Plaintiff,

vs.

WALMART, INC., foreign corporation; DOE  
INDIVIDUALS I-X, inclusive; and ROE CORPORATIONS  
I-X, inclusive,

Defendant.

Case No. 2:24-cv-01305-APG-BNW

**STIPULATION AND ORDER REGARDING  
PLAINTIFF'S FRCP 35 EXAMINATION**

The parties stipulate and agree to the parameters that the FRCP 35 examination of plaintiff Angela Gonzales to be conducted on October 18, 2024, at 11:30 a.m. with Jeffrey Wang, M.D. at 2500 W. Sahara Avenue, Suite 207, Las Vegas, Nevada 89102, according to the following ground rules established for the examination.

1. The doctor will not require the Plaintiff/examinee to sign any paperwork, other than a standard sign-in sheet.

2. The doctor will accurately report his findings and test results.

3. The examination shall not last longer than 90 minutes unless extraordinary circumstances are presented to Plaintiff's counsel in writing—at least five days in advance of the examination—that justify additional time.

4. Plaintiff shall not be required to wait in the examining doctor's waiting room for longer than 30 minutes before the commencement of the examination.

1           5. Liability questions may not be asked by the examining physician or any agent or  
2 representative of the examining physician.

3           6. No x-rays or radiographs may be obtained during the examination. During this case, film  
4 studies have been produced pursuant to FRCP 26. These are the same film studies relied upon by the  
5 treating physicians in this case. If additional film studies are necessary for the Rule 35 exam, please  
6 detail in writing why such studies are necessary—at least five days before the examination—and the  
7 issue may be re-visited.  
8

9           7. If the examining physician subjects Plaintiff to unduly physically painful procedures or  
10 intrusive procedures, Plaintiff reserve the right to immediately terminate the examination and to  
11 contact the Discovery Commissioner.

12           8. No invasive procedures are allowed.

13           9. Plaintiff shall not be required to disrobe from the waist down during the examination. No  
14 “waist up” disrobement shall be required unless the Rule 35 examiner determines that such  
15 disrobement is crucial to conducting the examination, and the Rule 35 examiner requires his or her  
16 own patients to disrobe for similar orthopedic examinations. Any disrobement requirement shall be  
17 provided in writing to Plaintiff’s counsel at least five days prior to the Rule 35 exam. Plaintiff shall  
18 wear loose-fitting clothing to prevent the need for disrobing.

19           10. The examining physician shall not engage in ex parte contact with Plaintiff’s treating health  
20 care providers.

21           11. The examining physician shall not coach or suggest Plaintiff’s answers or responses—  
22 Plaintiff’s answers and responses must be his/her own without manipulation. Further, all answers  
23 and responses provided by Plaintiff will be accurately recorded by the examining physician.

24           12. Defendant shall forward a copy of the examination report to Plaintiff’s counsel within 30  
25 days of the examination.  
26  
27  
28

**IT IS SO STIPULATED.**

Dated October 7, 2024.

Dated October 7, 2024.

**THE POWELL LAW FIRM**

**TYSON & MENDES LLP**

By: /s/ Traysen N. Turner  
Paul D. Powell (7488)  
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Attorneys for Plaintiff

By: /s/ Griffith H. Hayes  
Griffith H. Hayes (7374)  
Nicholas F. Psyk (15983)  
Attorneys for Defendant

**ORDER**

Based upon the foregoing stipulation of the parties.

IT IS SO ORDERED.

Dated this 8th day of October, 2024.

  
UNITED STATES MAGISTRATE JUDGE